

Applicants: Cary B. Cochenour
and Craig G. Cochenour

Group Art Unit: 3739
Examiner: Kenneth C. Williams

Serial No. 10/785,555

Confirmation No. 8139

Title: Patient Activated Temperature-
Controlled Surface

Attorney Docket No. 040073

DECLARATION OF CRAIG G. COCHENOUR
Under 37 C.F.R. § 1.131

I, Craig G. Cochenour, am a joint inventor of the "Patient Activated Temperature-Controlled Surface" that is disclosed and claimed in the above-captioned Application. I am a pharmacist. Beginning in 1981, I have dispensed medication and health support aids to the geriatric public.

In 1990 my family purchased a female terrier dog. Eventually, the terrier became a geriatric canine. As with geriatric human beings, the geriatric canine population also suffers from arthritis and other musculoskeletal maladies.

Each year my son participates in an elementary school science fair. The parents of the children are encouraged to help their child with the project. The science fair culminates in a competition among the participants and is held in late February or early March of each year. The school science fair committee advises each participant and parent(s) to start early on their project. The science fair committee requires the participants to submit a working model of the invention. Since we participate each year in the annual elementary science fair, my son and I are very aware that plenty of time is needed well in advance of the actual date of the science fair competition to first conceive of an invention and then to prepare a working model of the invention. My son and I were focused on inventing something that would be helpful for our

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aging terrier. My minor son, Cary B. Cochenour, and I conceived the invention disclosed and claimed in the above-captioned Application on or before January 11, 2003, in North Huntingdon, Pennsylvania, USA. My personal handwritten calendar for January 2003 shows January 11, 2003 as the day that my minor son, Cary, and I discussed the invention. A true and correct copy of my personal handwritten calendar for the month of January, 2003 is attached as Exhibit A. I keep a personal calendar for each month of the year, and I have kept such a monthly calendar for each year for the past seventeen years. As shown on Exhibit A, January 11, 2003 bears an entry "Cary Science Project" indicating that we discussed the invention at least as early as January 11, 2003. I submit that at least as early as January 11, 2003, the invention was conceived by me and my joint inventor. On the evening of January 11, 2003, Cary and I prepared the initial drawings that set forth the elements of the invention. A true and correct copy of these drawings are attached as Exhibit G (Cary's drawing) and Exhibit H (my drawing), respectively. The conception date on or before January 11, 2003 is a date: (i) prior to the October 7, 2004 publication date of "Park" U.S. Patent Application Publication No. 2004/0195227, and (ii) prior to the January 15, 2003 filing date of the "Park" Provisional Application 60/440,306, relied upon by the Examiner. As evidence in support of these facts, Applicants submit the attached Supporting Statement of Witness of Colleen D. Cochenour.

My conception of the invention, that is disclosed and claimed in the above-captioned utility Application, was then followed by a diligent reduction to practice in January and February 2003 as established by the following evidence, all of which took place in North Huntingdon, Pennsylvania, USA. Exhibit A shows my personal calendar entries for continued work on the invention in January 2003 as follows: (i) January 18, 2003 "Cary Project", and (ii) January 25, 2003 "Project". Exhibit B, attached hereto, is a true copy of my personal handwritten calendar


for February, 2003. Exhibit B shows continued entries for work on the invention as follows: (i) February 1, 2003 "Project", (ii) February 8, 2003 "Science Project", and (iii) February 15, 2003 "Project Finish Model". Exhibit C shows a copy of my family's credit card receipt (account number redacted) dated February 7, 2003 wherein the "Sunbeam" heating pad was purchased for construction of one embodiment of my working full size physical invention. Exhibit D shows a copy of a true and correct photograph of one embodiment of the full size working patient activated temperature-controlled surface of the present invention that was completed on February 15, 2003 that supplies heat to the floor of the invention and being used successfully by our thirteen year old geriatric, arthritic Yorkshire Terrier dog. The invention worked successfully as described in the above-captioned Patent Application. Exhibit E shows a copy of a true and correct photograph of a front view of one embodiment of the patient-activated temperature-controlled surface of the present invention that was completed on February 15, 2003 wherein one may view a number of the elements of the full size working invention. Exhibit F shows a copy of my family's credit card receipt (account number redacted) dated February 19, 2003 for purchase of safety pins that were used in one embodiment of my invention to secure the "Sunbeam" heating pad (i.e. the temperature source capable of supplying heat) in juxtaposition to the floor of the patient activated temperature-controlled surface or of the animal bed for transportation of the invention to the Norwin Science Fair held on February 28, 2003 at Scull Elementary School, Irwin, Pennsylvania, USA. I submit that all of the above show evidence demonstrating a diligent reduction to practice of my invention on February 15, 2003 following conception of my invention on at least as early as January 11, 2003.

On February 28, 2003, Cary B. Cochenour and I filed Provisional Patent Application No. 60/450,859 for our invention and to which the above-captioned utility Application claims the

benefit of priority thereto. This evidences diligent preparation and filing of the Application. The above-captioned utility patent Application (Serial No. 10/785,555) was filed by Cary B. Cochenour and me on February 24, 2004, and discloses and claims the invention disclosed and claimed in Provisional Patent Application No. 60/450,859.

I declare that the foregoing is true and correct, that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Date: May 12, 2006


Craig G. Cochenour



2003 January

December 2002	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 12/1 12/2 12/3 12/4 12/5 12/6 12/7 12/8 12/9 12/10 12/11 12/12 12/13 12/14 12/15 12/16 12/17 12/18 12/19 12/20 12/21 12/22 12/23 12/24 12/25 12/26 12/27 12/28 12/29 12/30 12/31				1 1/364 New Year's	2 2/363	3 3/362	4 4/361
January 2003	5 5/360	6 6/359	7 7/358	8 8/357	9 9/356	10 10/355	11 11/354
S M T W T F S	Explains Food	Explains Food	Explains Food	Explains Food	CALL Ben Simon e Ford	Don't House 6732 (Explains Food)	Explains Food
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	12 12/353	13 13/352	14 14/351	15 15/350	16 16/349	17 17/348	18 18/347
February 2003		13:00 - 6:30 PM Q LADAM - PM Shrinkie		PAYDAY	CAR 5:10 PM EST		CASH PROJECT
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	19 19/346	20 20/345	21 21/344	22 22/343	23 23/342	24 24/341	25 25/340
March 2003	10:00 Haircut	NO School & 4th Grade clean			23:00 School	24:00 School	25:00 School
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	26 26/339	27 27/338	28 28/337	29 29/336	30 30/335	31 31/334	
April 2003		9:30 - 11:00		29:00	30:00	31:00	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31							

2003 February

January 2003	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<p>January 2003</p> <p>S M T W T F S</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28</p>							<p>1 32/333</p> <p>Chinese New Year</p> <p>Page of</p>
<p>February 2003</p> <p>S M T W T F S</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28</p>	<p>2 33/332</p>	<p>3 34/331</p> <p>3:00 PM</p> <p>WCC</p> <p>2:00 VHS</p>	<p>4 35/330</p> <p>IP El mal</p> <p>12:00</p> <p>4:00</p> <p>7:00</p>	<p>5 36/329</p> <p>Anniversary of the Constitution (MO)</p> <p>Dug. UAH</p> <p>7:00 PM</p> <p>Family PM</p>	<p>6 37/328</p> <p>7:00 PM</p> <p>11:45</p> <p>9:00 PM</p>	<p>7 38/327</p> <p>9:30 PM</p> <p>10:00 Kears</p> <p>7:00 PM</p>	<p>8 39/326</p> <p>4:00 PM</p> <p>ARRIVE DAY</p> <p>8:00 PM L350</p> <p>TAKE ATLAS</p>
<p>March 2003</p> <p>S M T W T F S</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31</p>	<p>9 40/325</p> <p>10:00</p> <p>HATRA</p>	<p>10 41/324</p> <p>5:00 PM</p> <p>2:00 PM</p> <p>11:15</p>	<p>11 42/323</p> <p>(End of Adm)</p> <p>1:00</p> <p>3:00</p>	<p>12 43/322</p> <p>Lincoln's Birthday (US)</p> <p>CAM</p> <p>SEA</p>	<p>13 44/321</p> <p>CAM</p> <p>SEA</p>	<p>14 45/320</p> <p>Valentine's Day (LC UK US)</p> <p>FL</p> <p>7:00</p>	<p>15 46/319</p> <p>PROJECT</p> <p>FAIR</p> <p>BIG SEW</p>
<p>April 2003</p> <p>S M T W T F S</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30</p>	<p>16 47/318</p>	<p>17 48/317</p> <p>President's Day (US)</p>	<p>18 49/316</p> <p>2:00</p> <p>5:00</p> <p>9:30 PM</p>	<p>19 50/315</p>	<p>20 51/314</p> <p>NOON</p> <p>lunch</p> <p>RATES</p> <p>club</p> <p>DICTION</p>	<p>21 52/313</p>	<p>22 53/312</p> <p>Washington's Birthday (US)</p>
<p>May 2003</p> <p>S M T W T F S</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31</p>	<p>23 54/311</p>	<p>24 55/310</p> <p>Flag Day (M)</p> <p>11:45</p> <p>lunch</p>	<p>25 56/309</p>	<p>26 57/308</p> <p>8:30</p> <p>3:40</p>	<p>27 58/307</p> <p>Du.</p> <p>Bir-Meting</p> <p>1:00</p>	<p>28 59/306</p> <p>Science Fair</p> <p>@ Seull</p>	<p>29 60/305</p>



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NORTH HUNTINGDON, PA 15642

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TRANS #04180 TYPE #01 STORE #6048

NORMAL SALE

404682 2-IPS ANDY 2.50

540310 SUNSEAM HEAT PAD 23.99

TOTAL 26.49

CREDIT CARDS 16.49

** THANK YOU FOR SHOPPING AT ECKERD **
** 1-800-ECKERDS www.eckerd.com **

I AGREE TO PAY THE ABOVE TOTAL
AMOUNT ACCORDING TO THE CARD
ISSUER AGREEMENT.

Customer Signature

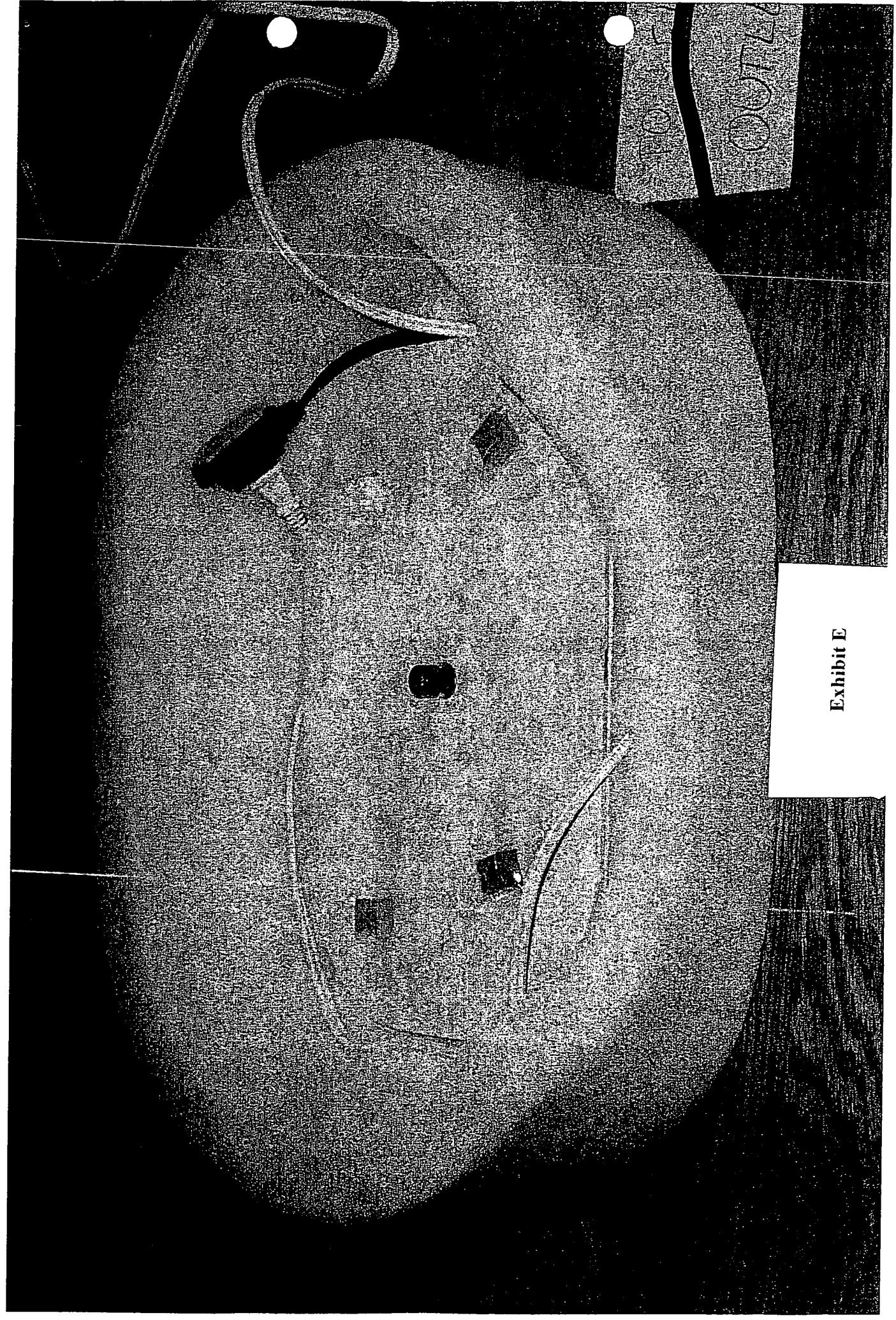
February 07, 2003

08:06 PM

EXHIBIT C

Exhibit D





OUTLINE

Exhibit E

PICTURE PERFECT

GIANT EAGLE Store # 0010

Your Cashier Today was Mary R

	PHOTO FINISHING	AC	6.99	I
	PHOTO FINISHING	AC	8.99	I
	PHOTO FINISHING	AC	8.99	T
	GE 35MM FILM	AC	4.77	T
SC	GE 35MM FIL (1.59)		3.18	-T
	GE 35MM FILM	AC	4.77	T
SC	GE 35MM FIL (1.59)		3.18	-T
	GE 35MM FILM	AC	4.77	T
SC	GE 35MM FIL (1.59)		3.18	-T
	SAFETY PINS		1.89	I
SC	PHOTO FINISHING		1.00	
SC	PHOTO FINISHING		1.00	
SC	PHOTO FINISHING		1.00	
	*** SUBTOTAL		28.63	
	TAX		1.72	

*** BALANCE 30.35

VISA 30.35

VISA 30.35
CHANGE 0.00
TOTAL NUMBER OF ITEMS SOLD = 7

****YOUR GIANT EAGLE SAVINGS TODAY****
CARD & STR CPNS \$ 12.54
TOTAL SAVINGS (30 Pct.) \$ 12.54

2/19/03 03:29pm 10 90 43 908

Go to gianteagle.com to learn about
card benefits and helping schools
through Apples For The Students.

You are enrolled in Apples For
The Students. Thank You!

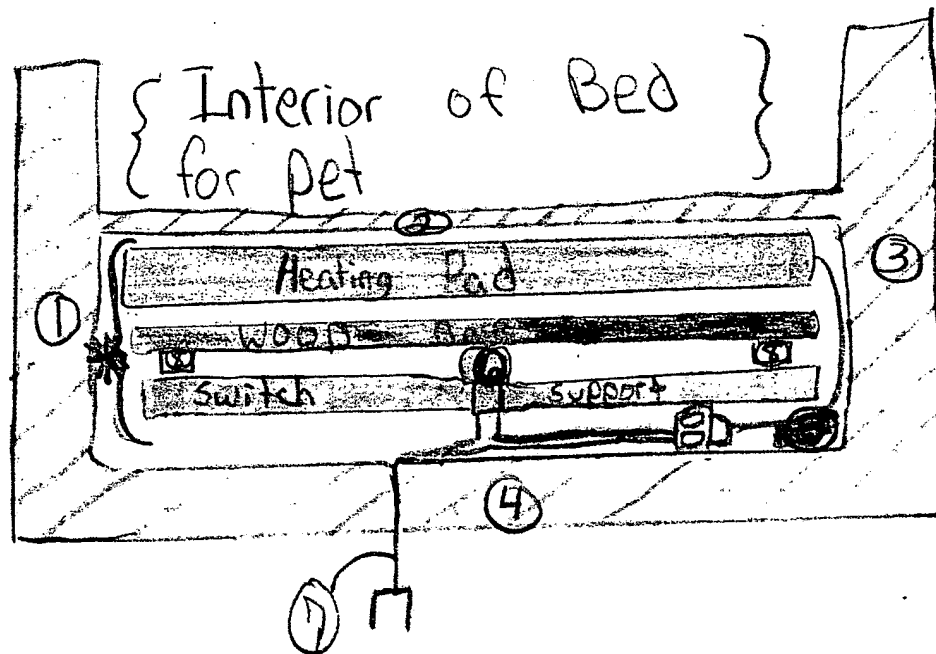
THANK YOU FOR SHOPPING AT GIANT EAGLE.
CUSTOMER CARE CENTER# 1-800-553-2324
CARD # 40163013311



Make every day taste better.

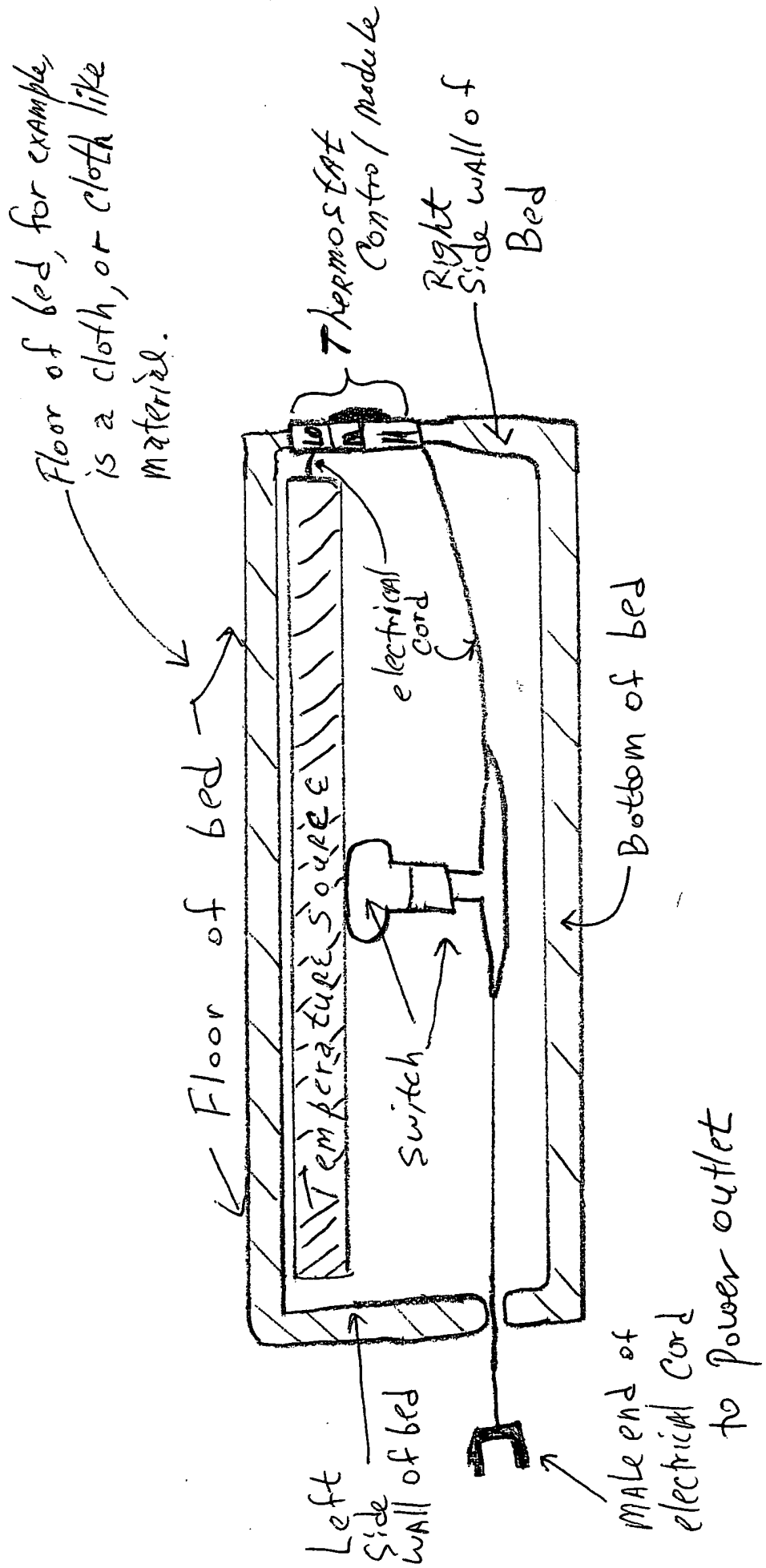
Exhibit F

EXHIBIT G



- * Bottom compartment of bed interior
- ① Left exterior of bed
 - ② floor of bed interior for pet
 - ③ Right exterior of bed
 - ④ Bottom exterior of bed
 - ⑤ Heating pad control module
 - ⑥ Momentary switch
 - ⑦ Electric cord to power source
 - ⑧ LEGION® Buffer

EXHIBIT H



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